

1 call the San Jose model. There are two official models
2 of field training. One is the San Jose model. The
3 other one is called the Patrol Training Officer model.
4 We use the San Jose model, which you have a training
5 that rotates through three different shifts, and at the
6 end of the third rotation, they go back to where they
7 started. That FTO has a comparison for what they
8 looked like on day 1 as compared to what they now look
9 like at the end of that three months training cycle.
10 So they would do a daily observation. Whatever FTO the
11 trainee was assigned to, the field training officer
12 would do a daily observation report. They're supposed
13 to document their progress daily, and then that gets
14 forwarded to the field training coordinator. That's a
15 person under the training lieutenant. By policy, it's
16 the training lieutenant or their designee. So, the
17 training lieutenant designated me while I was assigned
18 to the training unit.

19 My job was to review all of the daily
20 observation reports that got sent in from everybody
21 that was in field training. At the end of that cycle,
22 they also had a book that listed the individual tasks
23 that they were required to demonstrate some level of
24 proficiency in. Then the field training officers would
25 sign it off in the book.

1 So, in addition to reviewing all of the
2 daily observation reports to monitor their progress and
3 to make sure that the field training officer were doing
4 what they needed to do, prior to their release, I would
5 go through their book and make sure that their book was
6 complete, and that all the paperwork was in order.

7 Q. So if someone is a training officer in
8 the field, there's a progress report that is written?

9 A. On a daily basis, yes, ma'am.

10 Q. How long does that last?

11 A. Their training, as long as it was
12 designed, was about three-and-a-half months.

13 Q. So, there should be something every day
14 for three-and-a-half months dealing with the progress
15 of the person that is the trainee, and also in terms of
16 the observation of the person that's training them, the
17 field training officer?

18 A. Yes. We went to that model somewhere in
19 the late nineties. Prior to us adopting that specific
20 model, there may not be daily observation reports
21 because it was just the book that they relied on.

22 Q. And what are you looking for? What does
23 the field training officer -- I know you generally said
24 that he monitors the person, the trainee. Are you
25 looking to see if they're complying with policies?

1 A. I'm looking to make sure that the field
2 training officer is giving them as much exposure to
3 police work as they can, so that they can learn
4 everything that they need to know.

5 I also, prior to their release, would
6 interview each person that was trained in the field,
7 and I would question them about how often their field
8 training officer volunteered them for calls for
9 service, how much time, if any, they spent sitting at
10 7-Eleven, and whether or not the field training officer
11 let them drive the car. If the field training officer
12 is not proactively exposing them to these things, then
13 they're not going to learn what they need to know. So
14 I was also making sure that the field training officers
15 that we appointed to the program, which is an extremely
16 important position, were doing their job.

17 Q. Now, if the field training officer
18 observed that the officer that they're training is not
19 doing something correct that they observed, what does
20 that field training officer do?

21 A. It depends on what the issue is. For
22 example, if we're at an accident scene -- as the field
23 training officer, I give my trainee a tow sheet to fill
24 out. If they don't do it right, that's not really a
25 big deal. We can work on tow sheets at our leisure.

1 But if I go to make an arrest, and the suspect resists
2 and assaults me, and my trainee stands over there and
3 freezes and does not help, that's a much more
4 significant issue. So that's from one end of the
5 spectrum to the other, and then a bunch of stuff in
6 between. It would really depend on the nature of the
7 deficiency.

8 Q. What if the trainee actually -- and the
9 person that's training them is observing them violate a
10 particular state statute, what is the person who is the
11 field training officer supposed to do?

12 A. They would generally intervene and make a
13 correction. Again, depending on the specifics of the
14 incident, would determine how severely they would
15 intervene and what follow-up action was taken after
16 that.

17 Q. And what about if the field training
18 officer takes an action and doesn't say anything to the
19 person that they're training -- in essence, say the
20 field officer proceeds on to pursue a suspect, does he
21 say anything to the trainee or the person that's under
22 his training, or he just assumes that he's going to?

23 MR. BROWN: I'm going to object to the
24 form of that one.

25 MS. ASKEW: Let me try to rephrase it so

1 we can understand it.

2 BY MS. ASKEW:

3 Q. What if the field training officer
4 pursues a suspect, does he just assume that he -- is he
5 supposed to say anything to the trainee or just let the
6 trainee stay there?

7 MR. BROWN: Same objection.

8 THE DEPONENT: I think that the field
9 training officer generally is going to talk to their
10 recruit during such a process. To what extent depends
11 on the individual field training officer. But there
12 are some learning opportunities there, as well. How
13 they take advantage of it is kind of up to the field
14 training officer.

15 BY MS. ASKEW:

16 Q. Now, it says, "In 2005, the Newport News
17 Police Department began a transition to become an
18 independent academy. This separation from the regional
19 police academy allowed for department training to our
20 own recruits." And your responsibilities, it says,
21 "with in-service training and field training program,
22 you became a primary academy instructor for use of
23 force, physical control tactics and firearms." This
24 was in 2005. What did you do as a primary academy
25 instructor? This is in-house now?

1 A. Yes, ma'am.

2 Q. And you became a primary academy
3 instructor for use of force, physical control tactics,
4 and firearms. What were you focused on there?

5 A. Well, the Department of Criminal Justice
6 Services has a list of sub-objectives that, at a
7 minimum, we need to train. They tell us what we need
8 to train, but they don't generally tell us how to train
9 it.

10 The agency instructors would collectively
11 decide how it was going to be trained, ultimately with
12 the approval of the department. We would teach
13 handcuffing. We would decide which takedowns were
14 going to be taught. There are two things that are
15 occurring here. One, we have to teach the technique in
16 a mechanical sense. This is mechanically how you do
17 the technique.

18 I think the harder part of the equation
19 is trying to teach the officer when to do the
20 takedown -- when it's appropriate to do it either as an
21 appropriate level of force, or when it's appropriate
22 that it's not too unsafe to approach somebody. I
23 wouldn't want to walk up to somebody wielding a knife,
24 and then grab their arm and try to do a takedown. So,
25 the when is really more important, in many cases, then

1 the how.

2 Q. When you were looking at -- being that
3 you were the primary academy instructor for use of
4 force, physical control tactics and firearms, tell me
5 about what your instructions were to the officers with
6 regard to their own safety.

7 A. That's kind of a broad question.

8 Q. Let me try to narrow it. It is. Now,
9 when we're talking about use of force, physical control
10 tactics and firearms, what was your teachings with
11 regards to helping the officers determine how to keep
12 themselves away from danger?

13 A. Well, I think I could kind of narrow that
14 down to helping them understand what a threat looks
15 like. We have to make sure that whether it's through
16 video as a training tool, or demonstration or scenario
17 based training, we demonstrate to them various ways
18 that a threat could present. There are a lot of people
19 that don't lead their lives in a way that they learn to
20 recognize those things. In the police academy, we
21 expose them to that, not presuming that they already
22 know. We have to basically approach it as if they
23 don't. That way, they learn to recognize patterns of
24 behavior that are typical of suspects who are
25 noncompliant, or dangerous, or displaying what we would

1 call preassault indicators. We would do our best to
2 help them understand that.

3 Q. Did you also focus on helping them to
4 determine when to avoid placing yourself in danger?

5 A. If it's possible, yes. It's very
6 difficult. The nature of police work itself requires
7 that you proactively go to situations that are, in many
8 cases, already dangerous. There are things that they
9 can do to try to mitigate that to the best of their
10 ability. Sometimes the dynamics give them whatever it
11 gives them, and they do the best they can with it. We
12 try to, yes.

13 Q. Are you familiar with the term,
14 police-created exigent circumstances?

15 A. Can I ask a clarifying question?

16 Q. Sure. Sure.

17 A. Are you referring to officer-created
18 exigency or officer-created jeopardy? They sound
19 similar, but they're two different things.

20 Q. Okay. Tell me the difference.

21 A. Officer-created exigency is a term
22 normally associated with search procedure. I think
23 we're all familiar enough with the Fourth Amendment to
24 know that it requires searches and seizures be
25 reasonable. There are exceptions to that rule. The

1 Amendment sets forth requirements for obtaining
2 warrants on probable cause and oath (phonetic)
3 affirmation, and specificity about where you're going
4 to search, and who and what you're looking for.

5 The officer-created exigency as it's
6 known, is a term that applies to officers who create
7 emergency circumstances. The theory would be for the
8 sole purpose of avoiding the requirement to get a
9 search warrant. In other words, if I smell marijuana
10 behind a door -- I'll use this example because it's
11 specific to Kentucky v. King, which is how the Supreme
12 Court addressed it. If I smell marijuana behind a
13 door, and I knock and announce police, and I hear
14 rustling that would suggest that they're destroying
15 evidence, then I could now force my way in without a
16 warrant because getting a warrant would give them time
17 to destroy evidence.

18 The claim is that the officers knocked on
19 purpose because they knew that the people inside would
20 likely attempt to destroy evidence, and thereby pass
21 the requirement for them to get a warrant. That was
22 the theory. As I said, it was addressed in Kentucky v.
23 King.

24 The officer-created jeopardy applies to
25 safety issues. The officer-created jeopardy theory,

1 much like the officer-created exigency theory, relies
2 on the idea that officers were negligent in their
3 tactics or created a need to use force. The Fourth
4 Circuit addressed that in a variety of cases; Anderson
5 v. Russell, Greenidge v. Ruffin, Elliott v. Leavitt.
6 They address things such as not using cover, not using
7 a flashlight at night, not waiting for backup, not just
8 simply shifting your position. The Fourth Circuit
9 addressed those, and then the Supreme Court addressed
10 it in L.A. v. Mendez. So, for me, I really kind of
11 need to understand the difference between the two
12 because they relate to use of force legalities, but
13 there's also the practical issue for officers that
14 really just kind of relies on some common sense about
15 things that we can do that don't create legal issues,
16 but they mitigate some of your potential risks.

17 Q. Now, you said, "This training included
18 threat assessments, consideration of agency policy,
19 force transitions and deescalation." Can you tell
20 me -- when the training included threat assessments,
21 what do you do when you're coming to a situation where
22 you have a person at a traffic stop? How do you train
23 your officers to look at a threat assessment? What are
24 they looking for?

25 A. So they're on a vehicle stop --

1 Q. Yes.

2 A. -- such as somebody who ran a stop sign?

3 Q. Okay.

4 A. They approach the vehicle. You're asking
5 how they would do a threat assessment throughout that
6 vehicle stop?

7 Q. Yes.

8 A. They would look at a variety of things.
9 Some of it would include the driver's demeanor, the
10 motions of the driver. A lot of people will reach
11 during a traffic stop to get documents that they know
12 they're going to be asked for. Other people will sit
13 motionless until they're requested by the police to get
14 the documents. So they're watching hands, but, in
15 particular, I'm going to slide my chair back and
16 describe a motion for the record.

17 If the officer is walking up to the car,
18 and they see the driver lean forward and their right
19 shoulder drops down low, then officers are taught that
20 tends to suggest they're reaching under the seat. We
21 would help them -- instruct things like that so the
22 officer would pay attention to some of those things.
23 Assess demeanor when they encounter the driver. Also,
24 nervous behaviors. Is the violator or the driver
25 shaking? Are they stuttering? Are they sweating? Are

1 they breathing heavy? These are things that tend to
2 suggest that a person is nervous or anxious.

3 Officers would need to pay attention to
4 that. It could indicate a threat, but they're also
5 going to run a warrant check. It would be that they
6 have a warrant on file. The fact of the matter is,
7 until they know what they're dealing with, if they pick
8 up on an indicator, then they're going to pay close
9 attention to it and make sure that if there's any need
10 to make an adjustment to what they're doing, based on
11 an indicator or an accumulation of indicators, then
12 they should take action on that.

13 MR. MCENTEE: Can we go off the record
14 for one second?

15 (Off-the-record discussion.)

16 MS. ASKEW: We'll take a break.

17 (Break.)

18 MS. ASKEW: Okay. We're back.

19 BY MS. ASKEW:

20 Q. Mr. Bartels, I understand that you have
21 an associate's degree from Thomas Nelson?

22 A. Yes, ma'am. I finally got around to
23 finishing that.

24 Q. And let me ask you this: You indicated
25 that you have testified in federal court as an expert

1 witness, but you didn't list any of your cases.

2 A. I didn't put them in the CV, but I did
3 provide a separate list of cases.

4 Q. You did give it to them. Do you recall
5 what cases you listed? Tell me about the cases that
6 you testified.

7 A. I testified in -- Green was one of them.
8 If you'd like, when we're done, I can certainly forward
9 you the list. There was one case where officers were
10 in pursuit of a stolen vehicle. When they finally
11 apprehended the suspect, the vehicle came to rest in a
12 cow pasture. It was in a rural area.

13 One of the troopers had fired through his
14 own windshield and through the windshield of the truck
15 he was pursuing. The suspect threw his hands up. They
16 ordered him out of the truck. He didn't come out
17 immediately. So as they were approaching, they were
18 giving him commands.

19 When they got to the truck, he had not
20 gotten out according to their commands. So, they
21 opened the door, pulled him out and put him on the
22 ground. According to the complaint, he says that they
23 handcuffed him, and after he was handcuffed, he was
24 tased.

25 They didn't have body cameras. They had

1 a dash-cam. The event occurred right on the edge of
2 the frame, half in and half out of the frame in some
3 fairly tall grass, so the view was obstructed. There
4 was some information in the video that supported the
5 trooper's side that said, No, we didn't get him
6 handcuffed right away, and he was resisting. We tased
7 him to gain compliance, which worked, and then we
8 handcuffed him. There was enough in the video to
9 support that. My role was to testify to the event
10 itself and whether or not it made sense according to
11 what the troopers were saying as the video depicted it.
12 So I was referencing details in the video that
13 supported the trooper's statement.

14 Q. So what was your opinion?

15 A. My opinion was that he said he was not
16 resisting, but the video clearly showed his hands and
17 arms and legs flailing as the troopers were working
18 with him. At another point, he said he was on his
19 stomach, but you can see that he actually sat up
20 towards the troopers briefly. So it was my opinion
21 that based on what the video represented, I believe
22 that he was continuing to resist and was not yet
23 secured.

24 Q. So was the issue dealing with the taser?

25 A. Yes.

1 Q. You said that one trooper shot through
2 the windshield -- the front windshield of the vehicle?

3 A. Yes.

4 Q. Was he a felon that was fleeing? Why did
5 he shoot through the windshield?

6 A. I think because when the truck turned
7 around, it actually moved forward and bumped into the
8 trooper's vehicle.

9 Q. So the vehicle itself was the weapon?

10 A. The vehicle was the weapon. I'd also
11 indicate that the pursuit was not over. The suspect
12 was still in control of the vehicle, which was dragging
13 a barbed wire fence with a post on it, about 100 or so
14 feet back. So when he took a turn, the post would
15 swing out with the barbed wire on it, and he had gone
16 through a construction site. People were running to
17 get out of the way, and there was a continuation of the
18 pursuit. He was still in control of the vehicle.

19 Q. Did that go to trial?

20 A. Yes.

21 Q. What happened in that?

22 A. They found in favor of the suspect.

23 Q. The found for the plaintiff?

24 A. Yes, ma'am.

25 Q. And where was that case?

1 A. That was in Tennessee. Chattanooga, I
2 believe.

3 Q. And what other cases did you testify in?

4 A. I testified to another case in the same
5 court. This particular case involved some sort of a
6 domestic dispute. The deputies arrived on the scene.
7 I remember what it was. There was a death in the
8 house. The officers responded to basically conduct a
9 preliminary investigation, secure the scene, that sort
10 of thing.

11 A family member arrived and was very
12 upset and irate. He was wearing a pistol in plain view
13 on his right hip. When he arrived, he kind of focused
14 on the officers a little bit. As I said, he was very
15 irate. They were concerned that he may end up using
16 the pistol, so they disarmed him of the pistol. That
17 caused a bit of a struggle. They took him to the
18 ground and handcuffed him and then charged him with a
19 couple of minor offenses. So they argued that arrest
20 was unlawful and that the force was excessive.

21 Q. And who did you testify for?

22 A. The defendants.

23 Q. What happened in that case?

24 A. They ruled for the defendants.

25 Q. Any other cases?

1 A. Not in federal court. I did testify in
2 state court in Newport News. That was not as an expert
3 witness as much as it was a trainer for the department.
4 The officer that was on trial -- it was a recent case.
5 It was the gentleman who the officers forced into their
6 residence, and they ended up shooting and killing him.
7 It was over some 9-1-1 calls. So, I was called to
8 testify on behalf of the training division on how
9 reasonable use of force was trained because I trained
10 the officer in the academy.

11 Q. What was the issue in terms of the
12 training?

13 A. They just wanted to know how do you train
14 reasonable use of force.

15 Q. And what happened in that case?

16 A. In that case, that particular defendant,
17 Dwight Pitterson, was exonerated. Then the companion
18 case to that was Sergeant Pearson who was recently
19 convicted of manslaughter.

20 Q. I did read that. You testified just as a
21 factual witness in terms of training?

22 A. As a trainer, yes, ma'am.

23 Q. For the Newport News Police Department?

24 A. Yes, ma'am.

25 MR. BROWN: Objection to form.

1 BY MS. ASKEW:

2 Q. Have you ever sat through any other
3 depositions in a case?

4 A. Yes, ma'am. Two.

5 Q. Tell me about those two cases.

6 A. One of them was a domestic case, and it
7 involved a husband and a wife who were in a dispute.
8 The neighbor called the police. When the police
9 arrived, they knocked on the door. The husband got
10 irate. The wife came to the door. I believe the
11 husband got in front of her, talking to the police. I
12 don't remember exactly how it unfolded, but basically
13 the officer ended up arresting the husband, and then
14 the wife got upset and was in her house yelling at the
15 officer. Then the officer, when he directed her to
16 come to him, she ran back into the house.

17 So, the officer ran from the front porch
18 where he was dealing with the husband into the house,
19 challenged the female with his taser, ordered her to
20 the floor. She complied. He then came back out and
21 finished handcuffing the suspect.

22 As he walked the suspect out to his car,
23 the wife got up, ran outside and across the street to
24 the neighbor's house. After he was done with the
25 husband, he went over and arrested the wife.

1 Q. What was the issue?

2 A. There were several issues. One was the
3 use of the taser on the husband. The other one was the
4 arrest of the wife, and then the third issue was that
5 pursuant to her arrest, she was searched at the jail
6 facility. While she was being searched by a male
7 deputy, she said that the male deputy moved his hand
8 across her breast. So, there was a complaint about the
9 nature of the search, the intrusiveness of the search.

10 Q. What was the nature of your testimony in
11 that case? Why were you called to do a deposition?

12 A. To basically review the facts of the
13 arrest, the information available to the officers, and
14 then the use of the taser on the husband, and then the
15 arrest of the wife. Basically, probable cause issues.

16 Q. What was your opinion?

17 A. My opinion was that the arrest of the
18 husband was reasonable in the eyes of the officer on
19 scene, although I had some problems with the arrest of
20 the wife.

21 Q. What happened with the case; do you know?

22 A. I was told by the attorney that it is
23 settled.

24 Q. What's the other case? You had another
25 one --

1 A. Yes, ma'am.

2 Q. Was that in Virginia?

3 A. Yes. The next one is -- the deposition
4 for that one -- that particular case a police officer
5 made an arrest one evening, and he recovered a firearm.
6 He worked in an agency where they had very limited
7 evidence storage facilities. So, he brought -- at the
8 end of the shift, he secured the weapon in his vehicle
9 and brought it home with him that night intending to
10 put it into property and evidence the next day.

11 Not too long after they started their
12 shift, they had a call of a suicidal man missing with a
13 shotgun. They called basically everybody on the shift
14 to come and help look for this man. They located him.

15 This particular officer who secured the
16 gun in his car, ended up arresting the man and putting
17 him in his vehicle. He was a fairly large and
18 inflexible man, so he required two pairs of handcuffs
19 to be handcuffed behind his back. He was placed in the
20 back seat of the police car.

21 The deputy mistakenly left the window
22 open to the plexiglass shield. The man was able to
23 slip his cuffs around from under his feet, and then
24 reach through that compartment and grab the pistol that
25 the deputy had had in his car, and he then shot himself

1 in the head with it.

2 Q. So what was the issue there?

3 A. The issue there was the arrest procedure,
4 the handcuffing and the evidence handling.

5 Q. Who did you testify on behalf of?

6 A. The defendant. Well, for deposition,
7 yes.

8 Q. For the defendant?

9 A. Yes, it was for the defendant.

10 Q. What happened? Do you know in that case?

11 A. I was told by the attorney that the
12 summary judgment motion was made in their favor.

13 Q. That was in federal court in Virginia?

14 A. No, ma'am. That was a state case.

15 Q. And could you provide for me a copy of
16 those? You have a list of them, you said?

17 A. Yes, ma'am.

18 Q. I appreciate that.

19 A. I've asked various attorneys if they want
20 the case history in a deposition separately, and
21 sometimes they -- they all have different preferences.
22 I'll be happy to provide that to you.

23 Q. You said additional affiliation, 2009 to
24 present, Randy Means and Associates. You're a team
25 member assisting with use of force instruction. Tell

1 me, what do you do there?

2 A. I don't really provide a lot of use of
3 force instruction lately for Mr. Means. It has
4 primarily turned into references for expert witness.
5 He has basically a training firm or company. If they
6 call him -- he advertises for expert witness work on
7 use of force or other matters. So, if he gets a phone
8 call requesting that particular service, and he thinks
9 it's a matter that might be in my area, then he would
10 refer that to me.

11 Q. Have you had any of those?

12 A. Yes.

13 Q. How many?

14 A. I think about two or three.

15 Q. Do you remember them?

16 A. I want to say the first case that I
17 described testifying to in Tennessee about the vehicle
18 pursuit, I believe that was one of them. I believe
19 another case that's still pending involves a deployment
20 of OC spray on a person during an arrest, I believe
21 that was one of his. There may be one other. I would
22 have to look at the list to identify, but I think
23 there's been at least two, possibly three that he has
24 referred me to.

25 Q. And you're a member, from 2013 to

1 present, a member of the International Law Enforcement
2 Educators and Trainers Association. As a member, what
3 do you do -- just attend meetings or go to conferences?

4 A. They have annual conferences. Up until
5 recently, I would instruct at the conferences. The
6 only reason I haven't recently is because of the
7 demands at my job. The scheduling just wouldn't line
8 up in a way that would permit me to go. I think for
9 about five or six years almost, I instructed at the
10 conferences.

11 Q. And here you have listed, Publication and
12 Interviews. Tell me what your publication is.

13 A. That is just an article coauthored with
14 Mr. Randy Means on body-worn cameras -- the benefit of
15 body-worn cameras. I know that some agencies like to
16 push back on stuff like that, but they shouldn't,
17 really.

18 Q. You support them?

19 A. I do.

20 Q. And then, what about -- you said you had
21 an interview with Jason Marks on Wavy 10 on use of
22 Less-Lethal/Bean Bag shotguns?

23 A. Yes, ma'am. So, that was after an
24 incident. It was actually a SWAT callout that we had
25 with a mentally disturbed man who threatened somebody

1 where the officers were -- during high rates of speed,
2 didn't have their siren and lights on?

3 A. Can you explain what you mean by high
4 rate of speed in relative terms.

5 Q. Have you ever had any that did 96 in a
6 65?

7 A. Aside from the interstate, we didn't have
8 any 65-mile-an-hour speed zones in Newport News. We
9 generally did not monitor the interstate. We would use
10 it to get from point A to point B as a straight line
11 shortest distance. Or I was in pursuits on the
12 interstate, but that was only because the suspect went
13 there.

14 Q. When you said pursuit, you had your
15 sirens and lights on?

16 A. Yep.

17 Q. Let me let you look at this.

18 MS. ASKEW: Well, maybe this is a good
19 time to take a break. I can't find a document. Why
20 don't we do that, and I'll find the document and we can
21 pick up from there.

22 (Break.)

23 BY MS. ASKEW:

24 Q. Okay. I was looking, and I had it in the
25 file, in the file room.

1 MS. ASKEW: Would you mark this for me,
2 please.

3 (Whereupon, Deposition Exhibit No. 2 was
4 marked.)

5 BY MS. ASKEW:

6 Q. Mr. Bartels, would you take a look at
7 what looks like Plaintiff's Exhibit No. 2?

8 A. Yes, ma'am.

9 Q. Could you read the title?

10 A. 46.2-920. Certain Vehicles Exempt from
11 Regulations in Certain Situations, Exceptions and
12 Additional Requirements.

13 Q. And would you also read Section A1.

14 A. You want me to read A and 1 or just --

15 Q. A and 1.

16 A. Okay. "The driver of any emergency
17 vehicle, when such vehicle is being used in the
18 performance of public services, and when such vehicle
19 is operating under emergency conditions, may without
20 subjecting himself to criminal prosecution; one,
21 disregard speed limits while having due regard for
22 safety of persons and property."

23 Q. Now, my question is, you will agree,
24 won't you, that in the case involving LaToya Benton,
25 administrator of the estate of Xzavier D. Hill,